

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, December 13, 2012

7:00 p.m.
Regular Meeting

Present: Planning Commission: Harry Zane
Craig Hansen
Michael Thurber
David Richards
Kieth Rawlings
Darryl Glissmeyer

Absent: Mark Webb

Staff Present: Planning Director Anthony Kohler
Planning Secretary Karen Tozier
City Engineer Bart Mumford

Others Present: Shane Finley, Ron Mayne, Jeff Lee, and Brooke Allen.

Chairman Rawlings convened the meeting at 7:00 p.m. with a quorum present. Commissioner Webb and Commissioner Richards were not present.

Pledge of Allegiance: Commissioner Glissmeyer
Minutes: November 8, 2012, Regular Meeting

Commissioner Hansen asked for a change to the minutes on line 203/204. These lines were part of Commissioner Richards' motion and the change Commissioner Hansen asked for was for clarification and clarity to change the wording to "with engineered stamped drawings for the retaining wall" instead of "with an engineered stamped retaining wall".

Commissioner Glissmeyer motioned to approve the November 8, 2012 Regular Meeting Minutes with the change that Commissioner Hansen asked for. Commissioner Thurber seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, and Hansen. Voting Nay: None. Absent: Commissioner Richards. The motion passed.

Item 1 **Public Hearing to consider amendment of Heber City Municipal Code Section 18.60.020 R-3 Residential Zone - Permitted Uses to repeal Subsection F to remove Manufactured Home Parks from the R-3 Residential Zone as a permitted use and to consider repealing Heber City Municipal Code Chapter 18.92 Manufactured Home Parks.**

35 Anthony Kohler reviewed and spoke about the proposed amendments to the Heber City
36 Municipal Code. Under the amendment people will still be able to buy a lot in the City to put a
37 manufactured home on within an existing manufactured home park on but building a new
38 manufactured home parks will not be allowed. Chairman Rawlings opened the public hearing up
39 for public comment and waited a minute. There was no one present from the public who wished
40 to comment and the public hearing was closed to public comment.

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42 Chairman Rawlings asked Kohler to clarify why the City would want to repeal Chapter 18.92
43 Manufactured Home Parks. Kohler indicated his recommendation would be to strike F in
44 Section 18.60.020 and to leave Chapter 18.92 and not repeal it. The Commission had questions
45 for Mr. Kohler and discussion ensued. Removing Chapter 18.60.020(F) will make it so that
46 manufactured home parks are not a permitted use in any zone. Leaving Chapter 18.92
47 Manufactured Home Parks in the code as is would leave a set of standards for the existing
48 manufactured home parks in the City; if they don't have this then they don't have setbacks.
49 Commissioner Richards arrived to the meeting at 7:10 p.m.

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51 Commissioner Zane moved that he makes a recommendation that we approve amendment to
52 Chapter 18.60.020 Permitted Uses in the R-3 Residential Zone striking F, but leave in Heber City
53 Municipal Code Chapter 18.92 Manufactured Home Parks in the City Code. He indicated that
54 this was what Staff had recommended. Commissioner Hansen seconded the motion.

55
56 Discussion on Section 18.92.065 Required Procedures for Approval. Commissioner Thurber did
57 not see that this would apply and should be struck and Commissioner Glissmeyer thought the
58 same about Section 18.92.070 Required Procedures for Approval. Anthony Kohler indicated he
59 had two reasons for his recommendation not to strike this chapter from the municipal code. The
60 first he had stated, setbacks. The second reason was that if the Council change their minds a
61 number of years down the road this chapter is still in place and they would not have to go
62 through a process of figuring out what the standards are going to be.

63
64 Commissioners expressed concern if leaving Chapter 18.92 in the code of there being confusion
65 by some that if they do not see Section 18.60.065 they may not realize that manufactured home
66 parks are not a permitted use. There were thoughts to add verbiage to Chapter 18.92 stating that
67 manufactured home parks are not a permitted use/not permitted at any time in any zone. They
68 concluded to add verbiage to Chapter 18.92, "Manufactured Home Parks are not permitted in the
69 City but this chapter is left in so that the City knows how to deal with the non-conforming
70 existing manufactured home parks". There was consensus among Commissioners with this
71 verbiage.

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73 Commissioner Zane amended his motion to add verbiage in Chapter 18.92 Manufactured Home
74 Parks stating, "New manufactured home parks are not a permitted use in the City; this Chapter
75 remains to provide standards for existing non-conforming manufactured home parks". His
76 motion was to amend Chapter 18.60.020 Permitted Uses in the R-3 Residential Zone striking F,
77 but to leave Heber City Municipal Code Chapter 18.92 Manufactured Home Parks in the City
78 Code and add the above verbiage to Chapter 18.92. Commissioner Hansen's second stood to this
79 amendment. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Hansen, and
80 Richards. Voting Nay: none. The motion passed.

81
82 **Item 2** **Red Ledges Land Development requests Subdivision Final Approval for Red**
83 **Ledges Subdivision Phase 1K located in the Red Ledges Development near**
84 **the corner of Red Knob Way and Explorer Peak Drive. The main entrance**
85 **to the Red Ledges Development is at 1851 East Center Street (Lake Creek**
86 **Drive).**
87

88 **Item 3** **Red Ledges Land Development requests Subdivision Final Approval for Red**
89 **Ledges Subdivision Phase 1L, located in the Red Ledges Development in the**
90 **vicinity of Copper Belt Drive and Copper Belt Circle. The main entrance to**
91 **the Red Ledges Development is at 1851 East Center Street (Lake Creek**
92 **Drive).**
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94 The main topic of discussion centered around street and utility improvements, mainly cul-de-sac
95 lengths, secondary emergency access roads, approval by the Wasatch County Fire Chief to
96 ensure that fire code is met, and the turn around at the end of Explorer Peak Drive.
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98 There was discussion on facts relating to the proposal, particularly cul-de-sacs and standards.
99 The phases have cul-de-sacs that are 1,000 feet, which is longer than the 800 feet permitted for
100 public streets pursuant to Section 17.24.020. The Interlocal Agreement indicates that street
101 widths for Red Ledges will go by Wasatch County Standards. These streets are private streets
102 and Heber City does not have a standard for private street cul-de-sac lengths. The reason for the
103 public road standard cul-de- sac length is for ease of access by emergency vehicles.
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105 Discussion on 1300 foot cul-de-sacs. Anthony Kohler did not think this was a stretch as the
106 City's standard only addresses public roads. Bart Mumford answered questions by explaining
107 that fire code does have cul-de-sac lengths for emergency service purposes and depending on the
108 width of the road they have different lengths that they allow. When you are over 750 feet then
109 they rely upon getting special permission; that permission in this case would come from the fire
110 district. He indicated if the Commission thought this was something they felt comfortable
111 considering they would then refer back to the fire district and indications are the fire district
112 would be okay with 1000 feet if they had an appropriate cul-de-sac at the end. He indicated
113 there is the potential that in the future this would be a through road as well; this is in the master
114 plan for Red Ledges. These would be the reasons he would allow this. Mumford also pointed
115 out that these are private roads and Heber's standards apply to public roads.
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117 Todd Cates of Red Ledges spoke. They've looked at this with the fire district and Red Ledges'
118 construction manager, Greg Adamson, has spoken to Ernie Giles, Wasatch County Fire Chief.
119 Cates indicated that verbally Mr. Giles has said that this is okay and he is going to come up and
120 inspect it in the coming week or so. He indicated that generally speaking this is a temporary
121 situation and then they will have a much greater length of road that will go on. He showed
122 where the road would loop through someday and spoke of future road construction. He thought
123 that possibly next spring they would do some roads and that in 2014 would be the time to do the
124 road. He did express that all was dependent upon how the market does. He mentioned one
125 scenario where the waterline would come through from the Sorensen property and the road could
126 be graded at that time.

Discussion on details of the turn-around. Bart Mumford recommended the turnaround be hard surface rather than gravel. Todd Cates agreed to this. Chairman Rawlings indicated he would like to see a date when the temporary road approval would expire; this would basically function as a deadline for the permanent road to be constructed. The turn-around size required by fire code is a 96 foot diameter cul-de-sac; conditions that it is hard-surfaced and the fire district approves were desired. Commissioner Hansen asked about the other turnarounds in the Red Ledges development. Bart Mumford indicated that there is secondary access for the other turnarounds. The Commission asked Cates about the bypass, connections, open space agreement, and trails which he answered.

There was also discussion on Phase 1L regarding access and the cul-de-sac at the end of Copper Belt Drive. It was brought out that there are two ways to get into Phase 1L; one on asphalt and one with gravel. Todd Cates indicated that the Red Ledges' contractor that plows has added plowing of the gravel road to their contract for next year. Bart Mumford commented on this; this turnaround would not be as extensive as the one in Phase 1K it is for convenience of smaller vehicles and not so much for emergency purposes. The Commission asked a few more questions. Mumford indicated they would check the cul-de-sac plans with city standards and fire codes.

Commissioner Zane moved that we recommend approval of Red Ledges Land Development's request for Subdivision Final Approval for Red Ledges Subdivision Phase 1K located in the Red Ledges Development near the corner of Red Knob Way and Explorer Peak Drive. The main entrance to the Red Ledges Development is at 1851 East Center Street and also Red Ledges Land Development's request for Subdivision Final Approval for Red Ledges Subdivision Phase 1L, located in the Red Ledges Development in the vicinity of Copper Belt Drive and Copper Belt Circle. The main entrance to the Red Ledges Development is at 1851 East Center Street contingent upon them meeting all the requirements of the fire officials and the city engineer's approval and staff's approval. Commissioner Richards seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Hansen and Richards. Voting Nay: none. The motion passed.

Item 4 Mountain View Fellowship Church requests Final Commercial Development Approval for a church to be located at 171 North 600 West

There was a correction to the agenda to the address which is 271 North not 171 North and it was also noted that the house is farther west than 600 West although the street address is at 600 West. Anthony Kohler spoke about this; these parcels were part of the Garth Lunt Subdivision and there is shared access with the existing house on 600 West in which Brooke Allen resides. Brook Allen and Jeff Lee, the people who live in the house were present. The site plan was placed on the overhead

Ron Mayne and Shane Finley were present from the Mountain View Fellowship Church. Ron Mayne indicated they were proposing at this time to do road base in the parking lot with hardscape for the ADA parking as well as for concrete sidewalks on the back of the building for ADA. They have currently done the road cut to tie into a new fire hydrant with an upsized

waterline of 8 inches across 600 West as requested by the fire district. He indicated they would like to make this property something the community could be proud of; they are amenable to making sure they are a good neighbor. They want to move the driveway over to give Brooke Allen more space and to put a fence up to her liking with gates for her horse property and they would let her have access to use these. The church would mainly be used on Sunday mornings and a couple of times during the week. During the week the use would be minimal.

Discussion on widening the bridge. Ron Maynes expressed that it was their understanding at this time that Ernie Giles, the Wasatch County Fire Chief, has allowed them to keep the bridge as is until future expansion. Mr. Maynes explained that Giles bought off on this because it is a private road, it has been in existence, and Ernie has said he is fine with the bridge. He indicated they had put the turn around in and it is going to end up being about an 85 – 90 foot diameter turn around there would also be a hydrant located within 150 feet of the building. These were what Mr. Giles had asked for as far as specifications.

Commissioner Zane asked how wide the bridge was. Kohler thought it was between 16 or 18 feet wide. Ron Mayne stated he believed it was between 18 and 19 feet wide. There was further discussion on the bridge width by the Commission. Bart Mumford indicated they still need to receive a letter from Giles to show what he wants; he had not seen this yet. He indicated that Giles had wanted it wider for this situation than what he had before (a residential situation). Typically the minimum fire access is a 20 foot width but he (Giles) has conditioned on if and when they do an expansion in the future, not right now. The City needs a letter from Giles on this; the City doesn't have a standard on this and it is up to what Giles dictates.

Commissioner Thurber suggested they should get a letter from the new neighbors stating they will have a shared easement on that road. Kohler pointed out there is a shared easement that is on the subdivision plat. Discussion on the subdivision plat, the properties, and the easement. Mumford explained that the churches' property is the underlying property; they (Brooke Allen) have a prescriptive right to access the property. He continued that as the minimum they would have a prescriptive right coming on the church property to get to their back yard and across the canal to access their property on the other side of the canal. Mumford did not know unless somebody else saw something that they have a written easement. On the overhead Kohler showed the county record off the internet showing the property lines and the easement. The Planning Commission wanted it in writing that Brooke Allen would have gate access.

Brook Allen indicated they had spoken about the easement but the only thing they had not discussed was the fence. Questions that she needed to have answered were how far away from her house it could be so that she has access to her property and then who maintains the fence. Shane Finley indicated that they had agreed with her that for her privacy the church would like to put a fence up. Discussion on this. The fence would be set back on the churches property to give Ms. Allen access. Shane Finley explained. The fence would actually turn the drive into a double drive. The fence would actually run, approximately 12 feet from the house, dead down the middle. He continued that the church will widen that road as far as they possibly can up to the pole that is there. That way Ms. Allen would have her own drive on it and then we would have our drive too. He concluded that this was what we were hoping to do. The fence would be set back on the church's property to give Brooke Allen an access; about 12 feet over.

Commissioner Zane asked Brooke Allen if she would be satisfied with this. Brooke Allen answered that she thought that if the fence was 12 feet from her house that would be too close; she thought if it was 15 feet from her house that would be fine. Shane Finley pointed out that the only hindrance would be the pole. Anthony Kohler mentioned that a fence there would be allowed. Fence height and the view triangle were discussed. Brooke Allen indicated they had spoken of starting the fence at the beginning of her house so the pole would not become an issue.

Chairman Rawlings expressed that he thought any motion should contain some language that the church and Brooke Allen work out that agreement in writing and it would be good if the City had a copy of that.

Signage for the church was discussed and the bridge and parking were discussed further.

Commissioner Richards recommended that as proposed the church is consistent with applicable codes as long as the conditions are approved by:

1. The Fire Marshall, as well as;
2. The Property, the south property, Brooke Allen, to alter the driveway; including fencing and road conditions to minimize dust and other measures to buffer the home from the increased traffic; and that would be a written agreement that would need to be submitted to the City that would be an agreement between the two property owners and then submitted to the City as a third party. That would include maintenance of the fence.
3. Make sure they install the 8 inch waterline and fire hydrant in accordance to the Fire Marshall.
4. Install the storm drain when the pavement is installed to divert all site drainage.
5. And any other engineering items in accordance to Heber City Engineer, Bart Mumford.

Applicable Code Sections:

Section 18.64.020(L) Residential Agriculture Permitted Uses

Section 18.72.030(C) Off-Street Parking for Churches

Commissioner Thurber seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Hansen and Richards. Voting Nay: none. The motion passed.

Item 5 Discuss emergency generators for critical facilities

Anthony Kohler presented information on this. He related information on the talk that General Russell Honore had given at the Utah League of Cities and Towns Conference earlier in the year. General Honore had been in charge of the response efforts of the Federal Government during Hurricane Katrina. He had indicated in his talk that the lack of power was found to be an obstacle to maintaining order as people could not purchase critical supplies such as gasoline and medicine without power. Having no emergency generators for gas stations had particularly proved to be a huge impediment to evacuation. One of General Honore's suggestions had been for local governments to require emergency backup generators for gas stations and pharmacies.

Anthony Kohler indicated he had found an ordinance from a town in Florida that requires emergency generator backup; the ordinance was included in the Planning Commission packet.

Discussion from the Commission. Commissioner Richards hated to see anyone burdened with the huge cost of a generator and he spoke of how generators have problems when they are not used. He thought that a requirement for an electrical hookup for a generator would be a place to start.

It was mentioned that Heber Light and Power's first priority be for these businesses. A switch gear to change speeds was mentioned. The question was asked, could this be worked into Heber Light and Power's planning?

There was a comment that this would be beneficial to the community but they would hate to see government mandate something this onerous to an individual. There might be some corporation who would be willing to do this as an emergency preparation such as Maverik. There was a comment to have something to hook into an auxiliary if need be. Discussion on how the electricity works with hookups. Commissioner Richards suggested not to make this a requirement but to incentivize business owners. A question was asked as to how private pump stations for sewer would work in a power shut-down. Bart Mumford indicated there were two such stations in Muirfield and for the Elmbridge project. He said they do have a backup unless the natural gas goes out.

Commissioner Glissmeyer suggested having an ordinance that makes the requirement of a hookup installed for the critical part of the operation (not 100% of their operation) on gas stations, pharmacies, and grocery stores on new construction. Bart Mumford thought it would cost \$5,000 - \$10,000 thousand dollars. Possibly obtaining grants was also mentioned.

Administrative Items:

Anthony Kohler updated the Commission on information relating to the TDR ordinance update. He mentioned the email staff forwarded of the Wasatch County Council turning down the request to re-zone the Northfields. He indicated he had not spoken to the County yet and asked if the Commission wanted to move forward on this and pointed out that in order to preserve the Northfields we would need a conversion factor that will dramatically increase the density in the City.

The Commission asked if the proposal to re-zone the Northfields might come back again to the County Council. It was noted that two of the Councilmen had stated they would entertain a re-zone to 10 acre lots. This is not a dead issue at the county. Question whether to put on hold. The Commission did not want to waste time. Commissioner Hansen expressed concern over over-densifying the City and then if the County changes position and allows higher density in the Northfields - this would be very bad.

There was consensus among the Commissioners that it made sense to hold off and to see what the County might be doing. Commissioner Thurber indicated he would like to see the R-3 Residential Zone changed in the master plan.

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311 Commissioner Zane motioned to adjourn the meeting. Commissioner Thurber seconded the
312 motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, Hansen, and
313 Richards. Voting Nay: none. The motion passed. The meeting adjourned at 8:56 p.m.

Approved 03/14/2013